

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

MARLIN GIOVANNI PICKENS,

Plaintiff,

v.

24 HOUR FITNESS, et al.,

Defendants.

CASE NO. C22-5783 BHS

ORDER ADOPTING REPORT
AND RECOMMENDATION

This matter comes before the Court on Magistrate Judge Theresa L. Fricke's Report and Recommendation ("R&R"). Dkt. 5. Judge Fricke recommends denying Plaintiff Marlin Giovanni Pickens' Application for Leave to Proceed *In Forma Pauperis*, Dkt. 1, and dismissing his case without prejudice for failure to prosecute after he failed to respond to her Order to Show Cause, Dkt. 4. The Court, having considered the R&R and the remaining record, and no objections having been filed, does hereby find and order as follows:

(1) The R&R is **ADOPTED**;

(2) Pickens' Application for Leave to Proceed *In Forma Pauperis*, Dkt. 1, is

DENIED and this case is **DISMISSED without prejudice**;

1 (3) The Clerk is directed to send copies of this Order to Pickens; and

2 (4) The Clerk shall enter JUDGMENT and close this case.

3 Dated this 9th day of January, 2023.

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6 BENJAMIN H. SETTLE
United States District Judge